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09/550,428	04/17/2000	Terrence P. Everson	117P29US01	1520

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EXAMINER

CHORBAJI, MONZER R

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,428

Applicant(s)

EVERSON ET AL.

Examiner

MONZER R CHORBAJI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bischkopf (U.S.P.N. 3,975,931).

With respect to claims 1, 7, and 19, Bischkopf discloses a method (col.3, lines 34-46 and col.4, lines 1-3) and an apparatus (figure 1, 10) for dispensing a use solution from a solid detergent into a washing machine (abstract, lines 1-3) including the following: placing a solid detergent having a bottom (figure 1, 17), a chamber (figure 1, 11) having a water inlet (figure 1, 35) with a valve (col.3, lines 16-19) and an always open outlet (15) such that the rate of the water in is greater than the rate of water out since a portion of the solid detergent is dissolved, supplying water to the chamber by flooding the water from the bottom of the solid detergent (col.1, lines 60-64 and col.3, lines 34-37), dissolving a portion of the solid detergent (col.2, lines 61-63), and releasing the use solution via the water outlet (figure 1, 15) into the washing machine (col.1, lines 53-54) such that the water outlet (figure 1, 15) dispenses substantially all the solution of the chamber (figure 1, 11) when the dispenser is not in use (since the outlet is always open, then no solution is kept in the chamber when the dispenser is not being use).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bischkopf (U.S.P.N. 3,975,931).

With respect to claims 2 and 8, Bischkopf method and apparatus covers the lower part of the solid agent (17) with water thereby dissolving a portion of the solid. As a result, the water rises to a certain height within the chamber (11). Values for the water level within chamber 11 were not explicitly disclosed, however, it is credible to believe that values of the water level within chamber 11 would fall within the range provided in claims 2 and 8 depending on the rate of water in and the rate of water out. For example, more water coming in than leaving would result in higher water level within chamber 11.

With respect to claims 3 and 9, Bischkopf apparatus is connected to a washing machine such that it is credible to believe that the water temperature of the washing machine would fall within the temperature range provided in claims 3 and 9.

With respect to claims 4 and 10, Bischkopf method and apparatus does not explicitly disclose values for the water inlet and outlet. However, the outlet (15) is always open such that it is credible to believe that the rate of water in is greater than the rate of the water out since a certain amount of water is needed to remain in chamber 11 in order to dissolve the lower portion of the solid. If the rate of water in is not greater than the rate of water out then all the water would go through the device without properly dissolving a portion of the solid. In addition, the water inlet in chamber 13 is greater than the water outlet since the water because of siphon (30). See col.3, lines 1-15).

With respect to claims 5 and 11, Bischkopf method and apparatus does not explicitly disclose values for the concentration of the use solution. On the other hand, Bischkopf apparatus dissolve the solid agent (17) in water. As a result, it is credible to

believe that the concentration of the solid agent (17) would fall within the range as disclosed in claims 5 and 11 since the solid agent is applied to a washing machine.

With respect to claims 6 and 12, solid (17) is maintained at a relatively constant shape since contact with water occurs at the bottom portion of the solid resulting in a uniform dissolution and a relatively constant concentration of the solid.

7. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bischkopf (U.S.P.N. 3,975,931) in view of O'Dowd et al (U.S.P.N. 4,555,347).

With respect to claim 13, Bischkopf teaches the following: a solid detergent (17), a water source (35), a chamber (11) having a front portion (unlabeled front side of 11), first side portion (unlabeled first side of 11), a second side portion (unlabeled second side of 11), a back portion (unlabeled back of 11), a bottom portion (unlabeled bottom of 11), a top portion (unlabeled top of 11), an opening (unlabeled inner volume of 11), a water inlet proximate the bottom (21), a water outlet proximate the bottom (15), which dispenses substantially all the solution of the chamber (11) when the dispenser is not in use (since the outlet is always open, then no solution is kept in the chamber when the dispenser is not being use), water contacts the solid from the bottom (col.2, lines 60-64), an air gap (38), and solid (17) is maintained at a relatively constant shape since contact with water occurs at the bottom portion of the solid resulting in a uniform dissolution and a relatively constant concentration of the solid. However, Bischkopf fails to disclose the following: the water inlet is proximate the top portion and a tunnel proximate the back portion and the second side portion, and a lid. O'Dowd et al teaches the following: a water inlet proximate the top portion (figure 3, 34), a tunnel (figure 3,

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unlabeled lower part of 34), which is proximate the back portion (unlabeled section of 26) and the second side portion (unlabeled section of 26), and a lid (col.3, lines 20-21). Thus, it would have been obvious to one having ordinary skill in the art to modify the apparatus of Bischkopf to include a tunnel in order to generate a saturated use solution with a proper concentration of the solid agent (O'Dowd et al, col.5, lines 36-40).

With respect to claim 14, Bischkopf method and apparatus covers the lower part of the solid agent (17) with water thereby dissolving a portion of the solid. As a result, the water rises to a certain height within the chamber (11). Values for the water level within chamber 11 were not explicitly disclosed, however, it is credible to believe that values of the water level within chamber 11 would fall within the range provided in claim 14 depending on the rate of water in and the rate of water out. For example, more water coming in than leaving would result in higher water level within chamber 11.

With respect to claim 15, Bischkopf apparatus is connected to a washing machine such that it is credible to believe that the water temperature of the washing machine would fall within the temperature range provided in claim 15.

With respect to claim 16, Bischkopf method and apparatus does not explicitly disclose values for the water inlet and outlet. However, the outlet (15) is always open such that it is credible to believe that the rate of water in is greater than the rate of the water out since a certain amount of water is needed to remain in chamber 11 in order to dissolve the lower portion of the solid. If the rate of water in were not greater than the rate of water out then all the water would go through the device without properly

dissolving a portion of the solid. In addition, the water inlet in chamber 13 is greater than the water outlet since the water because of siphon (30). See col.3, lines 1-15).

With respect to claim 17, Bischkopf method and apparatus does not explicitly disclose values for the concentration of the use solution. On the other hand, Bischkopf apparatus dissolve the solid agent (17) in water. As a result, it is credible to believe that the concentration of the solid agent (17) would fall within the range as disclosed in claim 17 since the solid agent is applied to a washing machine.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bischkopf (U.S.P.N. 3,975,931) in view of Spriggs et al (U.S.P.N. 5,782,109).

With respect to claim 20, Bischkopf teaches the following: a solid detergent (17), a dispenser having a cavity (unlabeled inner volume of 11), a water inlet (21), a water outlet (15) connected to a washing machine such that substantially all the solution is dispensed out of chamber into the washing machine, a conduit (unlabeled part of 35) and a valve (col.3, lines 16-19). However, Bischkopf fails to disclose a hose member. Spriggs et al discloses a hose member (figure 1, 108). Thus, it would have been obvious to one having ordinary skill in the art to substitute the connection to the washing machine of Bischkopf with the connection of Spriggs et al since such a substitution is a matter of choice of design.

9. Claim 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bischkopf (U.S.P.N. 3,975,931) in view of Douglas (U.S.P.N. 3,604,225).

With respect to claims 21-22 Bischkopf discloses a method (col.3, lines 34-46 and col.4, lines 1-3) and an apparatus (10) for dispensing including the following:

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placing a solid detergent inside a dispenser having a cavity (11 and 17) with an outlet (unlabeled part of 11) to which a discharge member is connected (15), supplying water to water inlet (35) of the cavity (11), having a valve on the water inlet (col.3, lines 16-19), flooding the cavity in order to dissolve a portion of the solid (col.1, lines 60-64 and col.3, lines 34-37), flooding the cavity with water to a first water level (13 and col.3, lines 4-7), and flooding the cavity with water to a second level to initiate the flow of all of the use solution out of water outlet into a washing machine (col.3, lines 7-15). However, Bischof fails to disclose a hose member having a curvature. Douglas discloses a discharge member (25) connected to water outlet (unlabeled floor of 25 next to 23) having a curvature such that the curvature extends in an upward direction (unlabeled vertical wall of 25) at a height greater than water outlet and then extends downward below the water outlet (unlabeled vertical wall of 25, which is connected to 27). Thus, it would have been obvious to one having ordinary skill in the art to modify Bischof method and apparatus to include a discharge member with a curvature in order to provide a siphon effect (Douglas, col.2, lines 11-13).

Allowable Subject Matter


10. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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11. The prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Drewery (U.S.P.N. 5,441,711) and Braley (U.S.P.N. 4,418,712) teach dispensers with similar concepts as disclosed in the claims.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R CHORBAJI whose telephone number is (703) 305-3605. The examiner can normally be reached on M-F 8:30-5:00.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT J WARDEN can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.
14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Monzer R. Chorbaji MRC
Patent Examiner
AU 1744


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